

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS WEEKLEY :

Plaintiffs, :

- against - :

THALES FUND MANAGEMENT, LLC; THALES
FUND MANAGEMENT, LLC DEFERRED
COMPENSATION PLAN; MAREK FLUDZINSKI and
KEVIN ERSHOV :

Defendants. :

No. 12-cv-2499 (JSR) (KMF)

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NOTICE OF DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT

TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Defendants' Motion to Dismiss the Amended Complaint, dated June 20, 2012, together with the Declaration of Tammy P. Bieber, dated June 20, 2012, and exhibits thereto, and all the papers filed and proceedings had herein, Defendants Thales Fund Management, LLC, Thales Fund Management, LLC Deferred Compensation Plan, Marek Fludzinski, and Kevin Ershov, respectfully move the United States District Court for the Southern District of New York for an order dismissing the Amended Complaint in the above-captioned adversary proceeding.

Plaintiff's Opposition to Defendants' Motion to Dismiss the Amended Complaint shall be served by July 9, 2012; Defendants' Reply Memorandum in Further Support of Their Motion to Dismiss the Amended Complaint shall be served by July 18, 2012; and oral argument is scheduled for July 31, 2012 at 4:00 P.M. as set by the Court.

Dated: New York, New York
June 20, 2012

Respectfully Submitted,

/s/ Tammy P. Bieber

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Deferred Compensation Plan, Marek Fludzinski
and Kevin Ershov*